



08-18-06

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AUG 16 2006

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/783,884
Filing Date	February 19, 2004
First Named Inventor	Randy Scott
Group/Art Unit	1637
Examiner Name	Woolwine, Samuel C.
Attorney Docket Number	39740-0007

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Response to Final Office Action
<input type="checkbox"/> After Final
<input type="checkbox"/> Version With Markings Showing Changes
<input type="checkbox"/> Extension of Time Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53
<input type="checkbox"/> Copy of Notice | <input type="checkbox"/> Copy of an Assignment
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):
<input checked="" type="checkbox"/> 10 cited references; and Stamped Return Postcard |
|--|---|---|

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39740-0007.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRMAN LLP	LESLIE A. MOOI (Reg. No. 37,047)
	275 Middlefield Road, Menlo Park, California 94025	Telephone: (650) 324-7000 Facsimile: (650) 324-0638
Signature	<i>Leslie Mooi</i>	
Date	August 16, 2006	Customer Number: 25213

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP: Amendment**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **August 16, 2006**

Express Mail Label EV 582 632 288 US

Typed or printed name	Kathleen K. Muto		
Signature	<i>Kathleen K. Muto</i>	Date	August 16, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Express Mail Label: EV 582 632 288 US			
Typed or print name	Kathleen K. Muto		
Signature		Date	August 16, 2006

PATENT

Attorney Docket No.: 39740-0007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Randy Scott et al.)	Confirmation No. 2652
)	
Application No.: 10/783,884)	Art Unit: 1637
)	
Filed: February 19, 2004)	Examiner: Woolwine, Samuel
)	
Title: Use of Intronic RNA to Measure Gene Expression)	

INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §1.97

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
 - ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
 - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
 - C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 39740-0007).

Respectfully submitted,

By: Leslie A. Mooi
Leslie A. Mooi (Reg. No. 37,047)

Dated: August 16, 2006

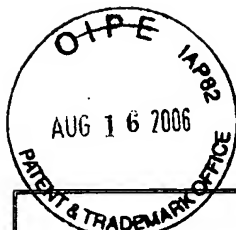
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SHEET 1 OF 2

INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO. 39740-0007		SERIAL NO. 10/783,884	
			APPLICANT: Randy Scott et al.			
			FILING DATE: 02/19/2004		GROUP: 1637	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PUBLICATION NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	2002/0009736	01/24/02	Wang	435	6	
	2003/0073112	04/17/03	Zhang et al.	435	6	
	2003/0104499	06/05/03	Pressman et al.	435	7.23	
	2003/0165952	09/04/03	Linnarsson et al.	435	6	
	2003/0180791	09/25/03	Chinnadurai	435	6	
	2003/0198970	10/23/03	Roberts	435	6	
	2004/0009489	01/15/04	Golub et al.	435	6	
	2004/0133352	07/08/04	Bevilacqua et al.	702	19	
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,699,877	10/13/87	Cline et al.	435	6	
	5,015,568	05/14/91	Tsujimoto et al.	435	5	
	5,459,251	10/17/95	Tsujimoto et al.	536	23.5	
	RE 35491	04/08/97	Cline et al.	435	6	
	5,858,678	01/12/99	Chinnadurai	435	7.1	
	5,952,179	09/14/99	Chinnadurai	435	6	
	5,985,553	11/16/99	King et al.	435	6	
	6,207,452	03/27/01	Govindaswamy	435	330	
	6,271,002	08/07/01	Linsley et al.	435	91.1	
	6,322,986	11/27/01	Ross	435	6	
	6,414,134	07/02/02	Reed	536	24.5	
	6,582,919	06/24/03	Danenberg	435	6	
	6,602,670	08/05/03	Danenberg	435	6	
	6,618,679	09/09/03	Loehrlein et al.	702	20	
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



SHEET 2 OF 2

**INFORMATION DISCLOSURE
STATEMENT**

PTO-1449

ATTY. DOCKET NO.

39740-0007

SERIAL NO.

10/783,884

APPLICANT: Randy Scott et al.

FILING DATE: 02/19/2004

GROUP: 1637

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
		05/04/88	EP 0 108 564 B1	Cline et al.			N/A	
		11/26/03	EP 1 365 034	Wirtz et al.			X	
		04/12/01	WO 01/25250	Slamon et al.			X	
		01/24/02	WO 2002/006526	Slamon et al.			X	
		07/03/02	WO 02/17852	Warrel et al.			X	
		02/13/03	WO 03/011897	Singer et al.			X	

OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
		Brabender, Jan, et al.; <i>Epidermal Growth Factor Receptor and HER2-neu mRNA Expression in Non-Small Cell Lung Cancer Is Correlated with Survival</i> , Clinical Cancer Research; Vol. 7, July 2001; pgs. 1850-1855.
		Ding, Chunming, et al.; <i>A high-throughput gene expression analysis technique using competitive PCR and matrix-assisted laser desorption ionization time-of-flight MS</i> , PNAS, Vol. 100:6; March 18, 2003; pgs. 3059-3064.
		Cambridge Healthtech Institute Conference Agenda; "ENABLING MOLECULAR PROFILING WITH CELLULAR RESOLUTION: Microgenomics Using Homogeneous Cell Samples"; Dec. 2002; 5 pgs.
		Yang, Li, et al.; <i>BADGE, Beads Array for the Detection of Gene Expression, a High-Throughput Diagnostic Bioassay</i> ; Genome Research; Vol. 11; 2001; pgs. 1888-1898.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.